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Protest and Appeal

IN RE

American Relief Action for Poland

FILED WITH THE

Department of State of the
United States of America

BY

FELIX J. MLYNARSKI, PH. D.

Delegate for America of the
Supreme Polish National Committee

NEW YORK

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JUL 10 1916

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Honorable Robert Lansing,

Secretary of State,

Washington, D. C.

Your Excellency:

As all negotiations in view of lifting the blockade in behalf of the American relief action for Poland have hitherto yielded no satisfactory results, although the second year of the war is drawing to a close and the Polish relief committees formed especially for this purely philanthropic purpose have exhausted all means at their disposal in the way of petitions and endeavors, I take the liberty of submitting to the Government of the United States in the name of the Supreme National Committee in Poland, which, with the aid of Polish Legions forming the military representation of the Polish nation in the present war, directs the struggle for the reconstruction of a Polish state, the following memorandum:

The opposition of the Government of Great Britain to American relief action in Poland is closely connected with the opinion that the life of American citizens is not jeopardized by the embargo on the importation of foodstuffs into Germany and Austria-Hungary, and ipso facto into Poland occupied by their armies. This contention was given official confirmation by Lord Robert Cecil, Minister of War Trade of Great Britain, who in his declaration of May 6, 1916, said: "So far as is known, the measures taken by Great Britain against German trade have cost no neutral his life." Public opinion in the United States seems to coincide with this contention, and insists at the same time that the Government of the United States should in its foreign policy bearing upon the problems of the present war, apply the principle formulated in one of the latest speeches of your Excellency, viz.: that "The violation of the natural right of life is a much more serious offense against an individual and against his nation than the violation of the legal right of property."

The attitude taken by the Government of Great Britain cannot be reconciled with the actual facts.

On February 22, 1916, the Polish daily "Telegram Codzienny" (Daily Telegram), published in New York, contained the information that the wife of an American citizen, Mr. A. Cwi, from Duluth, Minnesota, died of starvation in that part of Poland which is occupied by the army of Germany and that a similar fate is bound to befall the children of said A. Cwi, who, with their mother now dead, left Duluth prior to the outbreak of the war for a visit to relatives abroad. According to the information published by the above mentioned daily, Mr. A. Cwi was notified of the death of his wife by the Department of State at Washington, which based its notification on a report of the American consular service in that part of Poland which is occupied by the army of the German Empire. The same daily published on April 26, 1916, the original text of a telegram which an American citizen, Mr. Michael Jagiello of New York, received from your Excellency, and according to this telegram the wife and children of the recipient, delayed by the outbreak of the war in Dolginow, in the former government district of Wilna, are "starving." Dolginow, on the date on which the telegram was sent to Mr. Michael Jagiello, was still behind the Russian battlefield, while at present, as far as can be gathered from the official reports of army headquarters, it is occupied by the German army. This fact, owing to the system of blockade maintained by Great Britain, increases the danger of death from starvation confronting Mrs. Jagiello and her children. As evidence of a great number of similar cases in which the lives of American citizens who were delayed in Poland by the outbreak of the war are jeopardized, I beg to enclose two affidavits, one by Mr. Louis Zygmanski and the other by Mr. Alexander Szye, stating that their families, including children who are native born citizens of the United States, are at present in the part of Poland occupied by German armies, that they are destitute and that it is not known whether they have perished or not, because all attempts at relief from America proved futile owing to the system of blockade practiced by Great Britain. I appreciate too highly the hospitality I am enjoying in the United States to start a special inquiry through the press for locating and obtaining information as to cases of death of American citizens who were detained in Poland by the outbreak of the

present war. The instances cited above are sufficient proof that the Government of the United States would through a close inquiry, made by its diplomatic representatives, ascertain a great number of cases in Poland in which American citizens, and particularly women and children, are facing a serious danger of death or have already lost their lives through privations due to the impossibility of relief caused by the blockade practiced by Great Britain.

In its note to the Imperial German Government of May 13, 1915, the Government of the United States emphasized with utmost stress "that the lives of non-combatants, whether they be of neutral citizenship or citizens of one of the nations at war, cannot lawfully or rightfully be put in jeopardy by the capture or destruction of an unarmed merchantman." With no less emphasis did the Government of the United States point out in its note to the Imperial German Government of June 9, 1915, that it "is contending for nothing less high and sacred than the rights of humanity which every government honors itself in respecting and which no government is justified in resigning in behalf of those under its care and authority." The protection of the lives of American citizens on the seas served as a formal occasion for this diplomatic action. As a matter of fact, the principle that was involved was the principle of "the sacred immunities of non-combatants," the principle that civilians, and particularly women and children should not become the victims of alleged military exigencies. May I, therefore, be permitted to enclose an affidavit of a Pole residing in America, Mr. John Jurciak from Cleveland, Ohio, who lost his entire family, consisting of his wife and three children, who died of starvation in Hrubieszow in the district of Lublin. There is hardly any necessity for more convincing evidence of the frightful conditions prevailing in Poland and of the terrible toll among the innocent sufferers of the blockade system of Great Britain which excludes the possibility of relief.

The right to life is equal for all, as far as the civilian population and the protection of international law, which the principle of humanity justly claims for the civilian population, are concerned. This right is not different on sea than on land, nor is it different in Belgium than in Poland. The tragedy of death from starvation, although such death takes longer to come is no less frightful than the tragedy

of death at sea; the suffering of a mother looking at her child slowly dying from privation and hunger, although it lasts longer, is not less intense than the agony of a mother whose child is drowned. Starvation kills slowly, by degrees, making the victim pass through all stages of agony. With all due respect to the policy of the United States which decided in favor of separating the question of defending the lives of American citizens on sea from the question of the system of blockade as practiced by Great Britain, I deem it my duty to ask that the fact be considered that the treating of the blockade system of Great Britain as a secondary issue prevented the nobly inspired American humanitarian institutions from averting the death by starvation of a great number of civilians in Poland, particularly women and children, among whom families and dependents of American citizens were by no means lacking.

In Germany and Austria-Hungary the territories of which were, to a small degree only, the theatre of the war, the system of blockade practiced by Great Britain undermines only the economic interest of the citizens of the neutral countries or of the civilian population, and regarding this, the average public opinion is correct. In Poland, which was and still is a theatre of continuous fighting, the same system of blockade maintained by Great Britain affects not only the economic interest of the civilian population, but what is worse, affects the right of the civilians to live. The system of blockade practiced by Great Britain while aimed at Germany and Austria-Hungary, hits Poland because there will be no famine either in Germany or Austria-Hungary, while famine has prevailed, still exists and will continue for quite a while in Poland. This is a fact which cannot be reconciled either with the spirit or the letter of international law.

It is superfluous for the Poles to analyze now at the close of the second year of this terrible war how far the British Order in Council of August 20, 1914, which included food supplies in the list of absolute contraband, violated the Declaration of London of 1909, or to refer to the fact that the mail seizures which render regular postal communication and transmission of money from America to Poland impossible constitutes a violation of the international postal agreement of The Hague which declared the "inviolability" of all mail on the "high seas" as one of the articles of the international law now in force. Be-

yond the competency of Poland to discuss is, furthermore, an equally important question, viz.: that although Germany and Austria-Hungary adapted the method of submarine warfare to the requirements of international law, which is in force at the present time, the British system of blockade, proclaimed as a repressive measure against Germany and Austria-Hungary for their previous method of using submarines, has failed to be modified up to the present time in accordance with the requirements of international law as it is in force at present, notwithstanding the fact that the alleged reason for this system was discontinued. The Government of the United States, while discharging its noble function of a guardian of the sanctity of international law, in its note to Great Britain of October 21, 1915, expressed its opinion on the above questions and characterized the British system of blockade as "ineffective, illegal and indefensible." May I be permitted, however, to call the attention of your Excellency to the fact that the British system of blockade with regard to the American relief action in Poland is not only illegal from the point of view of the Declaration of London, but what is worse, from the point of view of the Convention at The Hague of 1907 relative to certain restrictions with regard to the exercise of the right of capture in naval war. This Convention stated plainly in Article 4 that "*vessels charged with religious, scientific or philanthropic missions are exempt from capture.*" The Government of Great Britain most assuredly did not ratify this Convention on November 27, 1909, to ignore it a few years later to the detriment of Poland and of the idea of humanity.

The apprehensions of the Government of Great Britain that Germany and Austria-Hungary might take advantage of food supplies imported into Poland by the American Relief Commission are easily understandable from the point of view of international law, because the above mentioned Convention as to the restrictions with regard to the exercise of the right of capture in naval war makes an indirect reservation in Article 3 to that effect—that powers bound by this agreement are not permitted "to take advantage for military purposes" of ships engaged on philanthropic missions. While apprehensions of that nature on the part of the British Government were theoretically founded from the point of view of international law, in practice they were already an anachronism because Germany as well

as Austria-Hungary gave sufficient guarantees with regard to the relief action for Poland. As early as December 22, 1915, Mr. Herbert Hoover notified Sir Edward Grey, Secretary of State for Foreign Affairs of Great Britain, that on the part of the Imperial German authorities "protection will be afforded to local and imported supplies for the exclusive use of the civil population" in Poland. This was an official statement of Mr. Herbert Hoover, a man of great merit and the generally respected chairman of the Belgian Relief Commission, who made his appeal in behalf of Poland after a conscientious and impartial investigation of the conditions in Poland by his special emissaries. In order to check all the false and malicious reports on this delicate question, the Supreme National Committee, which I have the honor to represent in the United States, prevailed upon Germany and Austria-Hungary that these two powers notify, through their diplomatic representatives, the Government of the United States of their readiness to exclude the food supplies imported from America into Poland from requisition for military purposes. This happened as early as March, 1916, and these guarantees were given both by Germany and Austria-Hungary. At present, according to the latest proposition of the Imperial German Government, submitted to the Government of the United States through the intermediary of the United States Embassy in Berlin, the Imperial German Government declared its readiness to guarantee the exemption from requisition for army purposes not only of all food supplies imported from America, but what is more, not to take advantage of the right to export local food supplies from Poland and promised to submit in this respect to the control by a neutral relief committee. The example of Belgium, where with much less extensive guarantees the work of the American Relief Commission not only developed, but was able to earn public recognition for its effective action on the part of the Government of Great Britain, tends to show that a relief action in Poland analogous to the relief action in Belgium is feasible, inasmuch as the guarantees offered by the Imperial German Government for such a relief action in Poland are more extensive than in the case of Belgium. As evidence that the guarantees given by Germany with regard to Belgium and northern France were absolutely sufficient, may I be permitted to quote a statement as authoritative as the utterance of the British

Prime Minister, Mr. Asquith, who, on May 4, 1916, at the first annual meeting of the National Committee for the relief of Belgium in London said expressly that "*Not a morsel of imported food was touched by the Germans.*" What is, therefore, the meaning of the obstinate attitude of the Government of Great Britain towards the relief action in Poland where the guarantees offered by Germany are far more extensive than those given for Belgium and after the Government of the United States, conscious of the fact that the devastation and misery in Poland are much greater than anywhere else, had most nobly offered its mediation as it had done in the case of Belgium.

The conditions set forth by the Government of Great Britain with regard to permitting the relief action in Poland have in the last six months exceeded the limits permissible under international law as it exists at the present time.

In the first phase of the negotiations, that is, between December 22, 1915, and May 10, 1916, the Government of Great Britain insisted upon Germany and Austria-Hungary waiving their right of requisitioning local food supplies in Poland for the benefit of their armies. This was on the part of Great Britain a postulatam based on a principle formulated by Sir Edward Grey and published officially by the Foreign Office of Great Britain on February 6, 1916. *The Hague regulations respecting the laws and customs of war on land in their Article 52, permit of requisitions "for the needs of the army of occupation."* On this basis the Russian army made in the first year of the present war large requisitions in Galicia which it then occupied, and for which Russia to this day owes huge sums to the frightfully afflicted Polish population of said province. On the same basis Germany and Austria-Hungary made large requisitions of food supplies in Russian territories, for which requisitions Germany and Austria-Hungary are paying in cash during the last few months, while the liabilities of Russia are still unsettled. There is no doubt that the requisitions made by the armies of the two opposing sides were a tremendous burden for the Polish population. This, however, does not alter the fact that occurrences of this kind are the inevitable fate of every war-stricken country and that international law permits of such requisitions.

Germany and Austria-Hungary are laboring under the pressure

of the blockade maintained by Great Britain. To require, therefore, that Germany and Austria-Hungary should forego the advantage which international law permits in a country of occupation is unquestionably excessive, and it is difficult to suppose that the Government of Great Britain should be ignorant of the legal status of the question. It is, therefore, the more painful to me to state that for five long winter months, which were the hardest to endure for Poland, Sir Edward Grey insisted upon Germany and Austria-Hungary giving guarantees that "the native stocks of foodstuffs shall not be drawn upon to maintain the occupying army." In other words, he insisted upon Germany and Austria-Hungary foregoing the advantage to which they are entitled under international law, a request which was exceeding the limits set by said law, and a request both illegal and impracticable. After five months the Government of Great Britain realized the illegality of Sir Edward Grey's request and dropped this condition, but who will give back to Poland the lives of so many victims, particularly women and children, who could have been saved during these frightful winter months, but were not saved because the Government of Great Britain insisted upon more extensive guarantees than were admissible under international law, thus rendering the relief action impossible.

On May 10, 1916, the Government of Great Britain announced officially that it accepted in principle the new suggestions submitted and drafted by the Rockefeller Foundation, which justly enjoys a world-wide reputation for noble accomplishments. This conditional acceptance the Government of Great Britain, however, made dependent on new terms. Instead of the conditions that Germany and Austria-Hungary should discontinue to exercise their right of requisition on behalf of their armies of occupation, which condition was dropped, the Government of Great Britain set forth the demand that Germany and Austria-Hungary should for the price of permitting the relief action in Poland organize themselves an analogous action in Servia, Montenegro and Albania and, furthermore, that they should guarantee to the "neutral relief authorities absolutely free and unfettered facilities of communication with the London office and for an investigation of the carrying out of the enemy's undertakings." No one can better sympathize with the misery in Servia, Montenegro and

Albania than Poland, who learned in this terrible war to measure the sufferings of others by her own agony. This, however, does not justify the demand that the American relief action in Poland should be made dependent upon the German relief action in the Balkans. Neither international law nor ethics permit of making a population facing death from starvation a subject of bargaining on a question which, like the case of Poland, is a question of suffering and of philanthropy, but, nevertheless, is a separate question calling for an action independent of the situation in Poland. It is also painful to behold that the Government of Great Britain failed to set forth this demand when first formulating its terms. On February 6, 1916, there was the same amount of misery and want in Serbia, Montenegro and Albania as on May 10 of the same year. If, therefore, the Government of Great Britain failed to insist upon this condition on February 6, 1916, still less should it have insisted upon it on May 10, if said Government was really anxious to settle the question of the relief action for Poland which was so terribly and so unnecessarily belated.

The Government of Great Britain demanded the guarantee as to the organizing of a relief action in the Balkans exclusively from Germany, although Serbia, Montenegro and Albania are within the sphere of occupation of Austria-Hungary and Bulgaria. No government can formally give any guarantee as to territory which is not "actually placed under the authority" of its army, and where, therefore, in conformity with Article 42 of the Hague regulations respecting the laws and customs of war on land, the right of occupation cannot be "exercised." This would be inconsistent with the provisions of international law and would be improper with regard to the powers which occupy the territory of war in the Balkans and would seriously jeopardize their prestige. In the same way the demand that the American Relief Commission should have "absolutely free" control over the "carrying out of the undertakings" of the armies of occupation in Poland is formulated in such a way that it exceeds the question of control over local as well as imported foodstuffs. The Belgium Relief Commission had no such wide competency but it still accomplished a task which benefited the unfortunate population of Belgium as well as did honor to the idea of humanity. Why should in Poland especially an analogous work encounter demands of Great Britain exceed-

ing those which were set forth in connection with Belgium and Northern France? I take the liberty of stating that Sir Edward Grey failed to demand such far-reaching control when first formulating his conditions. On February 6, 1916, the Government of Great Britain was satisfied with the relief committee in Poland having only a "free hand in the distribution of all stocks of foodstuffs," that is, of foodstuffs both imported from America as well as local foodstuffs turned over to said commission by the authorities of the armies of occupation in Poland. *At that time there was no question as to the right to an "absolutely free investigation over the carrying out of the undertakings" of the armies of occupation of Poland.* It is, therefore, painful to me to state that the Government of Great Britain not only exceeded during these negotiations, covering a period of six months, the limits of international law now in force, but what is worse, did not refrain from increasing its demands above the original conditions set forth as acceptable.

The burden of responsibility on the part of Great Britain for preventing American relief action in Poland increases when the fact is considered that the Government of Great Britain is influenced in its attitude by Russia, although Russia mainly was guilty of the greatest devastation of Poland, when in the summer of 1915 the Russian army retreated along the entire battlefront and for alleged military exigencies laid the country bare before the advancing armies of Germany and Austria-Hungary. This happened on the right bank of the Vistula, that is, in the entire territory of Eastern Poland through which extended the lines of the general retreat of the Russian armies. The truth of these facts was ascertained by neutral correspondents from all over the world. Opinions, however, are not lacking which characterize every mention of this devastation committed by Russia in Poland as a political propaganda, and as an attempt of diminishing in that way the responsibility of Germany and Austria-Hungary for requisitions made and war damages caused by their armies in Poland. It is quite true that Germany and Austria-Hungary made large requisitions in Poland and owing to their offensive a large number of villages and towns suffered larger or smaller damage from artillery fire. Conscious of their responsibility guaranteed to the war-stricken population by international law, Germany and Austria-Hungary for

some time past have been paying in cash for requisitions made in Poland and in part even for damages to the suffering population. Requisitions are recognized by international law and are different from devastation made purposely and on a large scale for the purpose of destroying the stock owned by the population, of burning villages, and crops so as to render the quartering and provisioning of the enemy's army impossible. During the two years of the present war neither Germany nor Austria-Hungary exceeded the limit of damages that ordinarily result from requisitions and artillery fire, while Russia in addition to the regular requisitions and damages caused by actual fighting, ordered and executed more or less thoroughly a general devastation of the country in Eastern Poland, or in other words, for its own military interests exposed millions of civilian population, and particularly women and children, to sufferings of starvation only for the purpose of rendering the quartering and provisioning of the armies of Germany and Austria-Hungary more difficult. The lives of the Polish civilian population, and particularly women and children, were sacrificed for protection of the then retreating Russian army.

On July 29, 1915, the Russian War Office in Petrograd issued a communiqué in which the retreat of the Russian army was compared to the famous retreat of 1812 when the Russian armies executed a backward movement before the onrush of Napoleon. According to the text published in the New York Times of July 30, 1915, Russia applied a well-tested method, viz.: that "everything that might be of use to the enemy has been prepared beforehand for removal and taken away." The same analogy was used with the full official emphasis by the Russian Minister of War Polivanoff, who, at the opening of the Duma on August 2, 1915, had to perform the official duty of explaining the then existing strategical situation in Poland. According to the report of the Reuter's Telegram Company, which was published in the New York Times via London on August 2, 1915, General Polivanoff, in his speech in the Duma, said officially that in analogy with the tactics of 1812 "we shall to-day perhaps give up Warsaw as then we gave up Moscow in order to insure final victory." But prior to the admission made by the Russian War Office as to the adoption of the tactics of 1812, the telegraph agencies working under the military censorship in London and Petrograd swamped the neutral press of

the entire world with detailed information as to the nature of the tactics of retreat of 1812. I am taking the liberty of quoting from the New York Times a despatch from London dated July 23, 1915, which, after passing through British censorship, read as follows: "In falling back the Russians are employing the tactics with which they harassed Napoleon in 1812; that is, they are not only burning all bridges and destroying roads, but are laying waste the countryside with fire and dynamite, removing such provisions as they can, destroying such as they cannot take away, driving cattle and other live stock before them, and leaving for the invader ruin and desolate waste." A despatch from Petrograd dated July 3, 1915, although unofficial but passed by the very strict Russian censorship, and what is more, published by the British press, and reprinted by the New York Times of July 31, 1915, informed the world that Russia decided to apply the terrible tactics of the Napoleonic wars "in consultation with her Allies." It appears that not with Russia alone rests the responsibility for the fact that for alleged strategical reasons the entire territory of Eastern Poland was turned into smoking ruins and the lives of civilian population, and particularly women and children, were sacrificed to shield the retreat of the Russian armies.

The Hague regulations of 1907 respecting the laws and customs of war on land provide in Article 22 that "*the right of belligerents to adopt means of injuring the enemy is not unlimited.*" Although there is no special Convention which would prohibit the exposing of the civilian population, and particularly women and children, to the danger of starvation for strategical reasons, there is an explicit provision in the introduction to the Convention relating to the laws and customs of war on land to the effect that "*in cases not included in the Regulations adopted by the high contracting parties, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and the dictate of the public conscience.*" But does conscience and humanity permit of forcibly depriving the civilian population of food supplies and exposing them to the danger of destitution only in order to hamper the enemy's progress and to try to compel him to feed the starving population in the newly occupied territory? There is also no special

Convention which would prohibit the using of civilian population as a shield for the armies attacking positions of the enemy, but the judgment of conscience on this question is settled among civilized nations which earnestly and sincerely uphold the principles of humanity.

By virtue of international law the duty of protecting the civilian population in an occupied territory rests with the army of occupation. This side of the question was familiar to the Russian authorities when the latter, acting in an understanding with Russia's allies, ordered a complete devastation of Eastern Poland. The purpose of an action thus conceived cannot give room to any doubts. Russia consciously and with a definite purpose devastated Poland in order to compel the invading armies of Germany and Austria-Hungary to take up, at least partially, the relief of the unfortunate population because even regardless of the welfare of the population, the very interest of the army of occupation requires that this population should not become, through lack of food supplies, the carrier of contagious diseases, and should not, from sheer despair, provoke disturbances on the lines of communication of the armies of occupation. *Thus the devastation of Poland was supposed to become one of the expedients of the economic war which is raging parallel to the military war.* Through this method of Russian tactics, Germany and Austria-Hungary were expected to face the catastrophe of starvation threatening the population of Poland, and were to suffer the effects of the bitter feelings of the Poles unless the armies of occupation were to use part of their food supplies for purposes of a relief action. That this plan failed to materialize to the extent it was schemed, is due to not a small degree to the Polish Relief Committees and to the spirit of sacrifice and the circumspection prevailing in the Polish nation. *It remains, however, a fact that the lives of the Polish civilian population, and particularly of women and children, were used by the Allies as one of the weapons of the present war.* This is not a lesser violation of international law, and not a lesser crime against the principles of humanity, than driving the civilian population in front of an army so that the enemy might use up a part of its ammunition on the defenseless civilians. With full consciousness of responsibility, I formulate this accusation and submit it to the tribunal of conscience of all neutral nations, and in the first

place to the conscience of the United States which showed so much energy in defending the sacred right of civilians on the high seas.

The Government of the United States in its note of October 22, 1914, informed the Government of Great Britain that it "will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London and that the Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of the British Government." The Government of the United States in its note of July 21, 1915, addressed to the Imperial German Government declared not less clearly that "*illegal and inhuman acts, however justifiable they may be thought to be, against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they violate the right to life itself. If a belligerent cannot retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity as well as justice and due regard for the dignity of neutral powers, should dictate that the practice be discontinued.*" May I, therefore, be permitted to submit to the Government of the United States the following charges:

- I. *The lives of civilian population in Poland, and particularly of women and children, are jeopardized by privations, and among the victims there are citizens of the United States.*
- II. *The system of blockade maintained by Great Britain with regard to the American relief action in Poland is illegal both from the point of view of the Declaration of London as well as from the point of view of the Hague Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.*
- III. *The famine in Poland was caused mainly by the devastation of the eastern portion of the country, devastation which the Russian armies retreating from Poland inflicted for reasons of alleged military exigencies, which constituted an act equally inhuman as illegal, and for which by*

virtue of Article 3 of the Hague Convention respecting the laws and customs of war on land, a huge "compensation" is due to the Polish population from Russia.

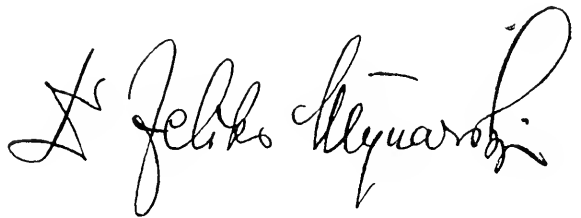
IV. Russia while not being physically in the position because of the present strategical situation to discharge her obligations to the Polish population, at the same time upholds the opposition of Great Britain to the American relief action in Poland, although this opposition is the more groundless as in the entire territory through which passed the retreat of the Russian armies in the summer and fall of 1915, the Polish population became the victim of measures of devastation taken not by the invading armies of Germany and Austria-Hungary, but by the Government of Russia, which in the eyes of England has not ceased to be the government of said population.

In the name of the Supreme National Committee of Poland, which I represent in the United States, I have the honor of submitting on the basis of the above charges a protest to the Government of the United States against further opposition on the part of Great Britain to the American relief action in Poland and of asking that pressure be brought through diplomatic action in the following directions:

- I. That the Government of Great Britain accept the suggestions for compromise made by the Imperial German Government in June, 1916, because the guarantees offered in these suggestions satisfy all requirements which are admissible from the point of view of Article 3 of the Hague Convention relating to restrictions of the exercise of right of capture of vessels in naval war, and even exceed the guarantee extended to the American relief action in Belgium.*
- II. That the Government of Great Britain should not limit the duration of the relief action in Poland because any limitation of a purely philanthropic action is illegal from the point of view of the Hague Convention relating to restrictions of the right of capture of vessels in naval war, and besides, because in the period of time ending with October*

1, 1916, that is, within the period of time originally suggested, any serious relief action is physically impossible owing to the time limit set.

Since Kosciuszko and Pulaski performed their duty to liberty and freedom on American soil, it is the first time that the Government of the United States has the chance of intervening actively in the defense of Poland. For this reason the Polish Supreme National Committee never failed during this war to impress upon the Poles residing in the United States the imperative duty of loyalty as demanded by the requirements of neutrality observed by the United States. Notwithstanding all false and slanderous rumors which endeavored to harm the interests of Poland, rumors by which a part of the American press was at times misled, there is no longer any doubt possible that the Poles who are enjoying the hospitality of this country complied faithfully and loyally with the requirements of neutrality observed by the United States. Fully confident, therefore, Poland expects that the Government of the United States, in conformity with its intentions already manifested, will exercise the full force of its authority and influence on the international relations in order to make possible for the American humanitarian institutions the carrying out of the relief action in Poland, which said institutions most nobly offered and which for reasons I took the liberty of dwelling upon on the preceding pages of this memorandum, unfortunately failed to materialize.

A handwritten signature in dark ink, reading "Dr. Feliks Heymanowski". The signature is written in a cursive, flowing style with a large initial "D" and "F".

Delegate for America of the Polish Supreme
National Committee.

New York, June 21, 1916.

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